

April 14, 2008

The Common Council met as the Water Utility Board on the above date at 7:00 p.m. in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Chief Beloit; Chief Waters; Comm. Maynard; Supt. Gray; Attorney Higgins; Brett and Tina Newman; Emil Robinson; Mary Ann Fuelling; Dick Honebrink – Johnson Controls, Inc.; Melba Tyson; Jim Tyson; Ron Neuman; Mary Alice Rose; Andy Hoehn; Geneva James; Diana White; Gary White; Gary Rowe; Doris Yeida; Brian and Sandra Parkinson; Dave and Judy Whitten; Steve Capin; Dan Pierce; Nancy Sexton; Michael Felty; Camilla Ricketts; Jim Cameron – Umbaugh & Associates; Evan Felty; Joe and Judy Winiger; Anita Robinson; Ann Blackburn; Sis Claxton; Valerie Werkmeister – Posey County News; Roger and Lorelei Barnes; Sandy Kiessling; Susan Robinson; Chris Robinson; Carl Strobel; Toni Ricketts; Jilleen Strobel; Kay Cox; Delia Rowe; Mr. Howe; Walter Yeida; Auggie Hansen; David Givens; Linda Gumbel; Michael Ricketts; Scott Miller – Umbaugh & Associates; Mindy Bourne – Area Plan Commission; Jerry Walden; Richard Woolsey; Johnny Lakins; Cecil Waters; and arriving during the meeting, Larry Horton.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

\*\*\*\*\*CLAIMS\*\*\*\*\*

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he will let Supt. Gray give the report.

Supt. Gray reported they are in the second week of hydrant flushing and everything seems to be going very well and they are getting a lot of debris out of the lines. He added they are still putting hangers on the doors to let residents know when they will be in the area. He continued his report by stating he has a back water bill for the County Jail, their hydrant, to be more specific. He stated he would like the Board to cancel this debt (approximately \$2,000) as the hydrant has not been functional for many years and they are now working to correct the situation. He added it has been since 2000 or 2001 since the hydrant fee has been paid.

Chairman Curtis agreed this is the project the city is working on and a new line is going to be put in by the county. He added the city will put in a new valve to help with the pressure, and he therefore, feels this is a reasonable request.

Board member Higgins questioned the status of that project ?

Supt. Gray replied he just needs to order the valve, that's it. He added they hope to start the project in a couple of weeks.

Board member Hoehn asked if next month's billing will need to be waived as well ? She then stated she feels they should stop charging for it until the hydrant is back on line.

Chairman Curtis then moved the Board cancel the debt on the hydrant owed by the County and waive future billings until the hydrant is back on line. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Supt. Gray continued his report by stating he would like permission for himself and two others to attend classes being put on the Indiana Rural Water Association April 21-23, 208 in Columbus. He added they will also need the city credit card and city vehicle.

Board member Askren moved permission to attend be given. Seconded by Board member Fuelling. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Supt. Gray then stated the computer server at the office is not really a server, it is a PC, but regardless, it has been behaving strangely the past few weeks. He stated he needs to get an actual off the shelf server, which he can get from Dell at the government bid of around \$2,500.00.

Chairman Curtis asked if this will include everything to have the computer up and running when they get it – set up, hook up, installation ?

Supt. Gray replied he will need to pay for installation and he is not sure of the cost of that.

Chairman Curtis replied he would like for Supt. Gray to get that information and present it at the next meeting before they make a final decision.

Supt. Gray added it will come with Windows 2003 on it, an actual server.

Supt. Gray they have ran the Re-Ox program for two months now and it is still working great, they have the lowest level of chlorine use possible. He added he would like permission to run a maintenance dosage for the next 12 months, at a cost of around \$18,000.00

Chairman Curtis stated it has done well and wondered if the results would be any different later ?

Supt. Gray replied they should hit a low and then stay there.

Board member Higgins asked if there have been any water main breaks as a result of the Re-Ox use?

Supt. Gray replied no, not yet, but it does break the scale down in the pipes, and that is the concern. As old as some of these lines are in the city, scale may be the only thing holding them together.

Chairman Curtis stated he believes they have to take the risk and keep using the Re-Ox.

Larry Horton arrived at the meeting.

Chairman Curtis moved Supt. Gray go ahead with the maintenance dosage, continue to monitor things, and notify the Board of any changes. Seconded by Board member Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if there were any questions of the Water Chairman or the Water Supt. ?  
There were none.

Mayor Tucker stated they have the Financial Report for March before them and any questions could be directed to Supt. Gray or Bookkeeper Bennett.

Mayor Tucker asked if the Clerk-Treasure had any Communications for the Board ?  
Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated the first item on the Legal portion of the Agenda is Umbaugh & Associates concerning the rate study.

Attorney Higgins reminded the Board this is being done for the JCI/Phase 1 project and the financing that will be required for the project. She added Scott Miller is present with the specifics.

Mr. Miller stated they looked at Phase 1 as well as future projects and he believes the Board has received a draft copy of the proposed Bond ordinance. He added he will hit the high points starting with page 2

INSERT PAGE 2

Mr. Miller stated they will notice in the Bond Ordinance the financing is for \$19M, and that is their best estimate on the necessary improvements that are needed at the plant, it may be a little high, but the City does not have to do another Bond Ordinance at a later time. He added they are trying to ensure the city gets the lowest rate possible. He then called the Board's attention to page 3

INSERT PAGE 3

Mr. Miller continued by stating Umbaugh used 2007 as their test year for the study, and then referred the Board to Pages 8-10.

INSERT PAGES 8 – 10

INSERT PAGES 15, 16

Mr. Miller then asked if there were any questions ?

Board member Curtis asked if they can prepay after six months ?

Mr. Miller replied yes.

Board member Curtis questioned the \$19M figure, the city is not obligated to spend over the \$6.6M ??

Mr. Miller replied that is correct.

Board member Curtis stated he sees that Aventine pays \$5.87 for the first 10,000 gallons they use, they pay no less for their water than others until they reach the 10M gallon mark.

Mr. Miller replied that is correct. He stated the rates apply to everyone not just Aventine and no one is getting hit with a rate increase. He added the city is not required to issue the \$19M in bonds, the city can if it wishes, it is a parameter ordinance.

Attorney Higgins asked if the Board had any further questions ? She stated if not, the next step would be for this Board to make a recommendation on the ordinance to the Council.

Board member Curtis moved the Board recommend passage of the Bond Ordinance to the Council.

Seconded by Board member Fuelling.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mr. Miller added he will have a revised rate ordinance available at the next meeting.

Attorney Higgins stated it will then have to be published in the paper, a public hearing will need to be held as well. She added they are only adding a new tier to their rate structure, this will not affect any residential rates.

Board member Curtis stated he also needs to bring up the new Agreed Order. He stated they had discussed this several meetings ago concerning the city's compliance plan.

Supt. Gray stated there are basically four issues they needed to deal with in this agreed order:

1. 1. The Re-Ox system set up
2. 2. The addition of copper sulphate to the system versus their chlorine use
3. 3. The Flushing of the hydrants (twice a year)
4. 4. The start up of an aeration system if their numbers do not go down

Board member Curtis stated IDEM wants the city to agree to these four things and after meetings with Supt. Gray and Attorney Higgins, he feels they will be able to do so.

Attorney Higgins stated they just completed their last Agreed Order, this is another one which will now be in place.

Board member Hoehn moved the Board accept the Agreed Order and authorize Board member Curtis to sign on their behalf. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated he believe there is a water adjustment.

Mr. Howe approached and stated he had a leak but paid his bill after the repair was made.

Supt. Gray stated since he already paid the bill, he needs Board approval to make the adjustment.

Mayor Tucker stated he has a receipt for the repair.

Board member Askren moved the adjustment be allowed. Seconded by Board member Curtis.

Mayor Tucker stated al those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Fuelling moved the meeting be adjourned. Seconded by Board member Askren.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Chief Beloit; Chief Waters; Comm. Maynard; Supt. Gray; Attorney Higgins; Brett and Tina Newman; Emil Robinson; Mary Ann Fuelling; Dick Honebrink – Johnson Controls, Inc.; Melba Tyson; Jim Tyson; Ron Neuman; Mary Alice Rose; Andy Hoehn; Geneva James; Diana White; Gary White; Gary Rowe; Doris Yeida; Brian and Sandra Parkinson; Dave and Judy Whitten; Steve Capin; Dan Pierce; Nancy Sexton; Michael Felty; Camilla Ricketts; Jim Cameron – Umbaugh & Associates; Evan Felty; Joe and Judy Winiger; Anita Robinson; Ann Blackburn; Sis Claxton; Valerie Werkmeister – Posey County News; Roger and Lorelei Barnes;

Sandy Kiessling; Susan Robinson ; Chris Robinson; Carl Strobel; Toni Ricketts; Jilleen Strobel; Kay Cox; Delia Rowe; Walter Yeida; Auggie Hansen; David Givens; Linda Gumbel; Michael Ricketts; Scott Miller – Umbaugh & Associates; Mindy Bourne – Area Plan Commission; Jerry Walden; Richard Woolsey; Johnny Lakins; Cecil Waters; and Larry Horton.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Hoehn moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they are having a special meeting tonight with a lot of interest, and to be fair and sensitive, he would like to enforce time constraints on those wishing to speak. He added each person may speak no more than once and for three minutes only, as he wants everyone to have a chance to speak, but limitedly.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated Comm. Maynard wanted her to announce Spring Clean Up Week will be May 12-16, 2008 and he will be getting the schedule to the paper.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairman Fuelling stated he has no report.

Chief Beloit stated work will begin on W. 4<sup>th</sup> Street per INDOT in the next couple of weeks. He added the street will be narrowed to one lane with two traffic lights to be installed. He then stated INDOT will be working on putting in a new culvert over Mill Creek and they expect the work to last until October. He added local and passenger traffic will be encouraged to use W. 2<sup>nd</sup> Street to avoid the inevitable back ups.

Mayor Tucker added the Council may have to take action at a later date if semis start to try using W. 2<sup>nd</sup> Street. He then asked if there were any questions ?

There were none.

Fire Chairwoman Hoehn stated she has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report for March before them and any questions could be directed to Clerk-Treasurer Wolfe.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Tucker stated the first item on the Legal portion of the Agenda is the 2<sup>nd</sup> reading of the proposed Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title VII – Traffic Code, Chapter 74 – Traffic Schedules – Schedule VII(C) – Truck and Weight Regulations, in reference to truck traffic in Lawrence Addition.

Councilman Curtis moved the ordinance pass second reading. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended and the ordinance pass on third reading. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-04.

Mayor Tucker stated the next item is the proposed Bond Ordinance – An Ordinance of the City of Mount Vernon authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said City, providing for the safeguarding of the interests of the owners of said bonds, other matters connected herewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Curtis moved the rules be suspended and the ordinance pass on second and third readings. Seconded by Councilwoman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Wolfe added it will be numbered 08-05.

Mayor Tucker stated the next item is a rezoning ordinance – An Ordinance to Rezone Certain Real Estate in the City of Mt. Vernon, State of Indiana, More Commonly Known as 209 E. Water Street. He added the rezoning request is from RM(residential multi-family) to CG(commercial general).

Ms. Judy Winiger approached the podium and stated she is Cox Winiger Properties LLC and they have a gentleman willing to lease the building for a small café which will only be open in the mornings and for lunch. She added no alcohol will be served and she believes the hours will be from 6:00 am to 3:00 pm.

Councilman Curtis questioned parking ?

Ms. Winiger replied there is parking in the back and on the west side of the building for handicapped access as well as on the north side of Water Street and Walnut Street. She added there is also not much capacity for seating in the building.

Councilwoman Askren moved the ordinance pass first reading. Seconded by Councilwoman Hoehn.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins suggested they table any further action until the rezoning comes out in the paper.

Councilwoman Higgins stated she thinks this café is a great idea and a great addition for the riverfront.

Mayor Tucker stated the next item is the rezoning ordinance to Rezone Certain Real Estate in the City of Mt. Vernon, State of Indiana, More Commonly Known as 930 W. 2<sup>nd</sup> Street. He added the rezoning request is take the property from RT (residential townhouse) to CG (commercial general).

Councilwoman Hoehn moved the Council hear the ordinance on first reading. Seconded by Councilman Curtis.

Mayor Tucker asked if the Council had any discussion ?

There was none, therefore, Mayor Tucker opened the discussion up to the floor, with the first speaker being the Petitioner's attorney, David Givens.

Mr. Givens stated he is representing Larry Horton, the owner of the property. He added the building in question is the old Topper Nash Sales that was built on that site years ago and ceased operations in 1985. He added the dealership had done auto repairs there as well, and at this time, Mr. Horton has rented the building and the home to Carl and Jilleen Strobel. He stated the Strobel's are wishing to establish a car auto repair shop there and they feel there would be no disadvantage to the neighborhood to allow this rezoning. He added Mr. Horton also owns the adjoining property and the Area Plan Commission made their finding as follows: "Mr. Larry Williams made a motion in the affirmative to recommend the approval for the Rezoning of Lot 4 and Lot 13 and recommend Denial of Lots 14, 15 and 16. The motion was seconded by Mr. Jim Alsop. The motion was carried by Roll Call Vote (6-1) Yes." He added they had no idea this rezoning was a problem and the Strobel's started buying things for their business and cleaning up the building. He added many man-hours and much money has already been spent and if this rezoning does not pass, the Strobel's will be out \$17,000 to \$20,000. Again, he stated, there is no disadvantage to this rezoning and the City of Mt. Vernon needs every job it can get. Therefore, he stated, they are asking that the rezoning from RT to CG be approved.

Mayor Tucker stated the first person on the list to speak is Sandy Kiessling.

Ms. Kiessling stated she lives across the street at 829 W. 2<sup>nd</sup> Street and she opposed to this rezoning and backs all the issues that will be discussed tonight in opposition to it.

Ms. Susan Robinson stated she lives at 1002 W. 2<sup>nd</sup> Street and she is also opposed to the rezoning. She stated Mann Street can not handle this kind of congestion

Mr. Chris Robinson approached the podium and stated he lives at 1002 W. 2<sup>nd</sup> Street and he has problems with the Strobel's and the fact that IDEM had conducted an investigation on them and their salvage yard business just outside of town. He added he was at the APC meeting and there were many families there that will be affected by this situation. He continued by stating the Strobel's are renting the

property, what happens when they walk away ? Anything could go in there after the property is rezoned. He also questioned the hours the Strobels said they would be open – he was kept track of that. He then stated Ms. Gumbel said she wouldn't have a problem with it if the Strobels put up a privacy fence. He added Attorney Folz indicated the fence would be a rezoning issue and she could not stipulate the erection of a fence and that it would not be enforceable. He then stated he has over 200 names on a petition of folks that are opposed to this and it was submitted to the APC as well. He stated it is a narrow street, there are parking issues now and that will only get worse. He did state that Mr. Strobel has laid some rock down, but is only enough for his personal vehicles. He asked that the Council really look at this before they make any decisions.

Mr. Givens questioned the use of the word salvage yard and wondered about this investigation. He stated the IDEM investigation was not on this property.

Mr. Carl Strobel stated yes, IDEM did come out and check the business outside of town and they found no problems out there. He stated he is trying to get all of this straightened out so they can eventually buy the property in question, it is going to be a small family business. He added he would like to raise his family there. He then stated he has customers that come from Illinois, Newburgh, Evansville...but he spends his money here in Mt. Vernon and at local auto parts stores. He stated he feels this rezoning would be a good deal for everyone and it will bring more resources into the community.

Councilman Curtis asked if Mr. Strobel runs a wrecker business ?

Mr. Strobel replied he does have a tow truck as some of the vehicles are towed in.

Councilman Curtis again asked if he runs a wrecker service ?

Mr. Strobel replied no. He then added he is not selling their business on the highway either, and that stuff is not coming into town, this will be a small auto repair shop.

Councilwoman Hoehn asked if he could conform to the rezoning restrictions ? She stated he could not start his business up until all the restrictions are completed, until there is a fence put up, parking is established, etc.

Mr. Strobel replied it is hard to build a fence with no income coming in.

Councilwoman Hoehn stated that is part of the rezoning restriction – they MUST block the view to the residents.

Mr. Givens questioned a privacy fence ?

Mr. Strobel stated he plans on putting a fence up, but where ?

Councilwoman Hoehn replied he would have to completely enclose the commercial property from the residential property owners. She added no chain link fence would be permitted, the view has to be totally blocked from any residential property owner.

Toni Ricketts stated she lives at 435 W. 8<sup>th</sup> Street and she is Mr. Strobel's mother-in-law; she has a vested interest in this passing, she wants to keep her daughter and grandkids here. She added she also does the books for their business. She added this business would not only be a benefit for her family, but also the residents of Mt. Vernon. She stated the building in question was built for this very purpose in the 1930's, it is not suitable for any other purpose other than this. She added the parking issue is also being modified and the Strobels have spent numerous hours working on this building. She stated in driving around Mt. Vernon there are many empty buildings here and that is not good, many others are closing, revitalization is poor here. She added she would also like to submit a petition with 180 signatures in favor of this – it benefits everyone.

Jilleen Strobel stated she is the owner/operator the business and she gave the Council pictures showing her restoration work; she has been in magazines and on television. She also stated she has pictures of what the parking lot looks like now, as well as pictures of the properties owned by some of the those here tonight in opposition to this. She also handed the Council the petition with 180 signatures of city and county residents in favor of this. She added they are trying to bring more business to the City and they need to create a better life for their family. She stated in reference to the IDEM information, she



has that and can get a copy to them at any time. She then stated she has priced 6' x 8' dog eared privacy fencing as they will be doing that work themselves. She added they have done everything they can to accommodate people on this, and they do plan to purchase the property at a later date. Councilwoman Askren asked of the 180 signatures, were any neighbors ?

Mrs. Strobel replied yes.

Councilwoman Askren asked if any of them were present to speak tonight in favor of the rezoning ?

Mrs. Strobel replied yes.

Kay Cox approached the podium and stated her family owns several businesses in Mt. Vernon and they do indeed need to concentrate on moving forward, but she is opposed to this business, the city does not need it. She added it is not correct for the neighborhood and there are several auto repair shops in Mt. Vernon already. She then stated Mr. Strobel said at the APC meeting he was having trouble paying his truck payment and all of his bills in general, how can run a successful business ? She added Mann Street is very narrow and getting one car down it is difficult. She concluded by stating this business/rezoning is not the direction the city needs to go in, Mt. Vernon does not need it.

Delia Rowe stated she lives at 1030 W. 2<sup>nd</sup> Street and would like to address the petition with signature opposed to this – her husband's name is on it and they never signed anything against this. She added not only that, but their address is wrong. She added she called some people whose names were also on the list and they only signed because they thought they were signing to oppose a junkyard operating there, not an auto repair shop. She stated some signatures on that petition are false. She added she is for this and Mr. Strobel will do his best.

Walter Yieda stated he opposed the rezoning.

Auggie Hansen stated he lives at 107 Mann Street and has known the Strobels for 17 years and he has no problem with this or the traffic. He added his neighborhood already has ADM, Farm Bureau, and many other businesses. He stated he lives across the street and has no problem with this, and again, has known the Strobels for a very long time.

Linda Gumbel stated she lives right next door at 918 W. 2<sup>nd</sup> Street and they have lived there for 30 years. She stated she feels the property should have been rezoned years ago. She added she has heard that the Strobels are going to buy the property on contract, there is a garage there, the man works on cars for his livelihood, it is how he supports his family. She stated she has no problem with the Strobels, they are only trying to make a living.

Michael Ricketts, who lives at 126 Barter, stated he has lived in his home for 15 years and he is against this. He added his family has lived in this block for over 100 years and Mr. Strobel is already in violation of the zoning board. He added he now works for GE/Sabic and they have looked at homes in Country Club Estates, Park Ridge, etc., and they choose to live where they do, right behind his grandfather. He added this is a "neighborhood", this is wrong. He added the street (Mann) are so narrow, they have trouble getting their Yukon down it. He then stated he understands Mr. Strobel needs to make a living, but this is wrong – Ms. Cox's café, that is right, but this is wrong. He added if the Council does this he will have to move – please keep his neighborhood together.

Mindy Bourne, Director the Area Plan Commission read the Board's recommendation once again on this rezoning: "Mr. Larry Williams made a motion in the affirmative to recommend the approval for the Rezoning of Lot 4 and Lot 13 and recommend Denial of Lots 14, 15 and 16. The motion was seconded by Mr. Jim Alsop. The motion was carried by Roll Call Vote (6-1) Yes." She then stated only two of the lots were approved, the other three were denied.

Ms. Judy Winiger stated she has an objection to this as well. She stated the intended use of this property does not realign with the redevelopment plan for Mt. Vernon. She added there is a petition of 200 signatures opposing this that was ignored by the Area Plan Commission. Mt. Vernon is on a decline, she stated and this rezoning is not what she envisions for Mt. Vernon, please do not rubberstamp this rezoning.

Jerry Walden stated he supports this rezoning, and he has had experience in the auto repair business. He added this is not a high traffic issue, or an eyesore, it will be taken care of, and it is not noisy. He stated the property is already an existing nonconformity, though it is located where it should be. He added there are trains going by day and night as well. Mr. Strobel he stated is a very hard worker and he needs to make a living, it is a necessary business for Mt. Vernon, as not everyone can afford to take their vehicle to Expressway Auto World for repair. Mr. Strobel will take care of things, though he has had a hard way to go, almost to the point of harassment. He stated personal feelings are getting in the way here and they should not be. He added they need to throttle the emotional part of things.

Richard Woolsey of 1011 W. Water Street, stated he is 75 yards away from this and he supports Carl 100%. He added he personally has been an auto tech all of his life and will never have the chance to have his own shop, and Mr. Strobel has improved this property inside and out. He asked that the Council give the guy a chance.

Tina Newman stated she lives at 1010 W. 2<sup>nd</sup> Street, one house over from the area and her biggest issue is Mann Street. She added kids wait for the bus on Mann Street, and now with 4<sup>th</sup> Street traffic being diverted W. 2<sup>nd</sup> Street it will only be that much worse. She added some nonlocals will start coming down W. 2<sup>nd</sup> Street, not realizing it is an area with children who can dart right out in front of them. She added the Council has a responsibility for the safety of the citizens – there are also no sidewalks on W. 2<sup>nd</sup> Street, the area simply isn't set up for this. She then stated this issue has divided their neighborhood horribly. She also wondered where all the other vehicles were going that are on their property in the country. Again she stated, they are a neighborhood, please do not pass this.

Johnny Lakins stated he does not know all of the folks involved but he does make his living on W. 2<sup>nd</sup> Street and he does know the Strobels, as worked with him and there isn't a finer man. He added from Mulzer to Peerless should all be zoned commercial. He stated he feels that everyone in that neighborhood should be helping him clean up the area, if it is their neighborhood. He asked that the Council pass the rezoning, and let Mr. Strobel get his business going and if he breaks the law, let them deal with it – he has found that is hard to get a straight answer here.

Larry Horton stated he lives on Walnut Street and he knows Mr. Ricketts and his family, but HIS family had owned property there since 1865. He stated everyone here knows there used to be a business there and at one point Mr. Robinson wanted it and he wouldn't sell it to him. He does have some lots for sale if Ms. Cox is interested in putting up some condos.

Mayor Tucker asked Council how they wished to proceed ?

Councilwoman Hoehn stated she has looked in depth at this and feels deeply for the residents in the area and she knows their concerns of family, etc. She added she understands all of that and the parking issues as well, but was asking for feedback from the other Council members. She stated as a residential zoning they are not held to as tight of restrictions as if it were zoned commercial. She stated things have to be done before he would be in compliance with the zoning, but if they leave it residential.....will he stop business ? She wondered if it would be safer at commercial zoning where he would be held to certain standards ? She then stated this needs to be resolved in a peaceful, concerned action, the neighborhood should not be a war zone.

Councilman Curtis asked if her concern is that if the property is not rezoned commercial, Mr. Strobel will go ahead and violate it ?

Councilwoman Hoehn replied yes.

Councilman Curtis asked so why not violate the commercial zoning restrictions too ? He then stated this issue should not be personal, really, unless there is a legal basis for it to be. It should instead be based on what CAN go in there a later date, not whom. He then added unfortunately, the Council can not mend those fences, and half of the residents are going to be angry no matter what they do. He then stated the Council has heard the people present tonight and they are now going to have to make a tough decision. He concluded by stating enforcement of the city ordinances and codes is very difficult.

Councilwoman Hoehn stated Mr. Strobel owns seven personal vehicles, a fence would have to go up if it is rezoned commercial, if not, if it remains residential that won't happen, that is her point.

Councilman Fuelling stated as hearing officer for the city for two years, he worked with many wonderful people, who in the end, wanted to be in compliance with the city codes, they wanted Mt. Vernon to look good. He added he would like to keep that standard going with a continuation of making Mt. Vernon look good.

Attorney Higgins reminded the Council she sent them the statute on things the Council can make regard to.

Mr. Givens asked to have a moment with Attorney Higgins.

Attorney Higgins returned and stated the petitioner will move to amend the original petition and instead draft a withdrawal petition of Lots 14, 15 and 16.

Councilwoman Hoehn stated lots 14, 15 and 16 are not needed in order to do the business, though lot 13 is. She stated without connecting these the facility can not be run as a business.

Mr. Givens stated 14, 15 and 16 are being taken out because they are not needed, 13 is needed and will have a privacy fence around it.

Councilwoman Hoehn again stated their restrictions that need to be completed before he could open for business.

Attorney Higgins agreed.

Mayor Tucker stated there is a motion on the floor to Rezone 930 W. 2<sup>nd</sup> Street from RT to CG, and a second, he asked for a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – no; Fuelling – no; Hoehn – yes;

Curtis – no; Higgins – no.

Mayor Tucker stated the ordinance did not pass.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Toni Ricketts approached and again stated she lives at 435 W. 8<sup>th</sup> Street and she has told Councilman Curtis about some sewer issues in her back alley. She stated she has back ups into the backyard and the house, coming in through the tub and sinks. She stated Councilman Curtis said he would look into it but she hasn't heard anything yet. She stated the last bit of heavy rain they got she had a back up again into her house, under her house.....She added her father was there to help her with the clean up, but he then contracted an infection caused from the raw sewage from this. She stated she would like to see something do as soon as possible. She then stated she is the last one on that sewer line and Tiny had always taken care of this for her in the past, for years.

Councilwoman Higgins stated she will get in touch with Supt. Givens by 8:30 in the morning.

Jim Tyson stated Mt. Vernon has tow junkyards already, Eaton's and Hogan's, and neither one of them have fences.

Mayor Tucker stated Hogan's is not in the city limits, and they are working on Eaton's.

Mr. Strobel approached and stated under Indiana law he can operate as a sole proprietorship and there are many businesses in town now that did not go through rezoning, several of them. He wondered if Council was going to close them down too.

Councilman Askren replied he should get them a list.

Attorney Higgins added that would actually go through the APC first, Mrs. Bourne's office.

Mrs. Strobel then read a description of a home/residential business from the Mt. Vernon Zoning Code. She added she goes by all the restrictions listed in the ordinance and she lives at the area to be rezoned. Attorney Higgins replied that Special Uses go through the Board of Zoning Appeals. Mrs. Bourne added the Strobels proposed business does not qualify for a Special Use, that kind of business does not meet the requirements.

Mayor Tucker asked if there was any Old Business ?  
There was none.

Mayor Tucker asked if there was any New Business ?  
There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated he has no report.

3<sup>rd</sup> District Councilwoman Hoehn stated she has no report.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated the Kiwanis is putting on a circus.  
Jerry Walden agreed and added it is April 22 at the MSD and it is a really old time circus with a big tent. He stated tickets are \$6 and \$8 in advance and a little higher at the door.

Mayor Tucker stated if there were no further business, he entertains a motion to adjourn.  
Councilman Fuelling moved the meeting be adjourned. Seconded by Councilwoman Higgins.  
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Wolfe  
Clerk-Treasurer